

State of South Dakota

EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

349U0346

SENATE JUDICIARY ENGROSSED NO. **SB 147** - 01/31/2013

Introduced by: Senators Tieszen, Adelstein, Begalka, Bradford, Brown, Buhl, Holien, Hunhoff (Jean), Johnston, Kirkeby, Krebs, Lucas, Monroe, Peters, Soholt, Tidemann, and Vehle and Representatives Lust, Cammack, Campbell, Craig, Cronin, Dryden, Gibson, Hajek, Hoffman, Hunhoff (Bernie), Kaiser, Magstadt, Miller, Novstrup (David), Qualm, Rozum, Solum, and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to domestic abuse and
2 protection orders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-1 be amended to read as follows:

5 25-10-1. Terms used in this chapter mean:

6 (1) "Domestic abuse," physical harm, bodily injury, or attempts to cause physical harm
7 or bodily injury, or the infliction of fear of imminent physical harm or bodily injury
8 between family or household members. Any violation of § 25-10-13 or chapter 22-
9 19A or any crime of violence as defined in subdivision 22-1-2(9) constitutes
10 domestic abuse if the underlying criminal act is committed between family or
11 household members;

12 (2) "Family or household ~~members,~~" spouses, former spouses, or persons related by
13 ~~consanguinity, adoption, or law, persons living in the same household, persons who~~



1 ~~have lived together, or persons who have had a child together~~ member," any two
2 persons who share one of the following relationships:

3 (a) Spouse;

4 (b) Former spouse;

5 (c) Persons who are or have been in a dating relationship with each other;

6 (d) Persons who have had a child together or are expecting a child together;

7 (e) Parent and child, including relationship by adoption, guardianship, or
8 marriage;

9 (f) Grandparent and grandchild; and

10 (g) Siblings, whether of the whole or half blood, including relationship through
11 adoption or marriage;

12 (3) "Protection order," an order restraining any family or household member from
13 committing any act of domestic abuse or an order excluding any family or household
14 member from the dwelling or residence of another family or household member,
15 whether or not the dwelling or residence is shared. A protection order has a duration
16 of five years or less; ~~and~~

17 (4) "Temporary protection order," an order restraining any family or household member
18 from committing any act of domestic abuse or an order excluding any family or
19 household member from the dwelling or residence of another family or household
20 member, whether or not the dwelling or residence is shared. A temporary protection
21 order has a duration of thirty days except as provided in § 25-10-7.1; and

22 (5) "Dating relationship," any social relationship between the persons of a romantic or
23 sexual nature. The term does not include any platonic, casual relationship in a
24 business or social context.